Supreme Court, U.S.
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No. 04-2651

In The

Supreme Court of the United States

ROSEMARY A. GILROY
Plaintiff

v.

DAVID LETTERMAN; CRAIG KILBORNE; & CBS BROADCAST, INC.
Respondent

On Petition for Writ of Certiorari To The United States Court of Appeals For the First Circuit

PETITION FOR WRIT OF CERTIORARI

May 24, 2005

Rosemary A. Gilroy
Plaintiff Pro Se
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II. QUESTIONS PRESENTED

1. Whether the Defendants violated Plaintiff's Constitutional Rights, Civil Liberties and Civil Rights when the Defendants invaded Plaintiff's Privacy, when the Defendants had Invaded the Privacy of Plaintiff, had been involved in a Conspiracy to Invade Plaintiff's Privacy, and had commit the numerous illegal activities which Plaintiff claimed in Plaintiff's Complaint.

2. Whether the U.S. Court of Appeals for the First District and the U.S. District Court for the District of N.H. made erroneous decisions when the courts ruled against the Plaintiff.

3. Whether the United States Supreme Court will find that the date Plaintiff first actually "knew" of Invasion of Plaintiff's Privacy by Defendants was 2003 because Plaintiff had been "suspicious" in 1999 but did not actually "know" until 2003, thereby extending the beginning of the accrual of the statute of limitations to 2003.

4. Whether Petitioner had been "Intimidated" by Defendants into not filing Petitioner's Complaint sooner, thereby extending the statute of limitations.

5. Whether "...The defendant's wrongful conduct caused a mental condition ..." which resulted in the Plaintiff's delay in filing the suit."

6. Whether the damage to Petitioner's Cerebellum due to a Stroke in the early 1990's (and subsequent repetitions of Strokes) which caused damage to Plaintiff's memory, thereby delaying Petitioner's filing of Plaintiff's Complaint, will extend the statute of limitations, which had been ruled by the U.S. District Court to be 1999, to 2004 or longer, in order that the Petitioner's case and Complaint will not be dismissed.

7. Whether the other reasons stated by Petitioner in "Arguments, B. Statute of Limitation" are viable reasons to

extend the statute of limitations from 1999 to 2003, or 2004 or longer.

8. Whether the U.S. Court of Appeals made an erroneous decision when the court "denied" Petitioner's "Motion" to allow Petitioner to submit photographic evidence to support Plaintiff's claims because Petitioner had already referred to the photographic and other evidence in Motions to the U.S. District Court and in Plaintiff's "Complaint."

9. Whether the District Court erred when the court ruled that the Plaintiff "failed to state a claim" because "... she cannot prove facts to support her claims."

10. Whether the District Court erred when the court ruled that the Plaintiff "... failed to state a claim..." because "... her claims are barred by the statute of limitations ...."

11. Whether the Federal District Court erred in ruling "... therefore, her complaint must be dismissed."

12. Whether the U.S. Court of Appeals erred when the court ruled to "affirm" the decisions of the U.S. District Court.

13. Whether the United States District Court made an erroneous decision when the court ruled the Plaintiff is "delusional."

14. Whether the United States Court of Appeals made an erroneous decision when the court "Affirmed" the district court's decisions.

15. Whether the "Fraud" of Defendants against Plaintiff (see Petitioner's "Complaint" in "Causes of Action") caused delay in the filing of Complaint by Plaintiff, thereby causing the beginning of the accrual of the statute of limitations to have been extended into 2004 or longer.

16. Whether "Intentional torts based on abuse" of Plaintiff by Defendants (See Petitioner's "Complaint," "Causes of Action") caused delay of Plaintiff in filing of Complaint.

17. Whether the U.S. Court of Appeals for the First Circuit made an erroneous decision when the court Affirmed the U.S. District Court for the District of N.H.'s Decision and granted "Summary Disposition" to the Defendants without allowing Plaintiff / Petitioner time to file Petitioner's "Reply Brief" and because "Summary Disposition is not generally granted unless the case had been dismissed Sua Sponte," which did not occur in Petitioner's case.

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G. Florida Statutes, Section 95.031, (Supp. 2000) .....(See Page 19, Appeal Brief)

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K. Hearndon, 767 So 2d at 1185-86..... (See Page 19, Appeal Brief)

L. Hogans v. Lavine, 415 U.S. 528, 536-37 (1974) (page 8) (See Page 27, Appeal Brief).....p.23

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P. Monahan v. Davis, 781 So 2d 436 (Fla 4th DCA 2001)(See Page 18, Appeal Brief)

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R. Neitzke v. Williams, 490 U.S. 319, 325 (1989). (See Page 26, Appeal Brief).....Footnote, p.21

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T. Robinson v. Love, 155 F.r.D. 535, 535 (E.D. Pa. 1994); .....footnote, p.21 (See Page 26, Appeal Brief)

U. Supreme Court of Florida, Delayed Discovery Doctrine; (See Page 18, Appeal Brief)

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V. PRAYER FOR RELIEF

The Petitioner, Rosemary Gilroy, prays that the Supreme Court of the United States will grant a Writ of Certiorari to review the judgment of the United States Court of Appeals for the First Circuit and review the judgment of the United States District Court for the District of New Hampshire. The date of judgment of the appeals court was February 25, 2005. The date of judgment of the district court was October 27, 2004.

VI. JURISDICTIONAL STATEMENT

A. The United States Supreme Court has Jurisdiction over the subject matter and Appeals of the judgments, court orders and decisions of the United States Court of Appeals for the First Circuit which Plaintiff is appealing.

B. The United States Supreme Court has Jurisdiction over Plaintiff's claims of violations of the Civil Rights and Constitution Rights of Plaintiff by the Defendants.

C. Because Plaintiff is a citizen of the United States, the United States Supreme Court has Jurisdiction over this case.

D. The United States District Court for the District of New Hampshire has Jurisdiction over Plaintiff's "Complaint" because the Plaintiff is a resident of New Hampshire.

The Petitioner's / Appellant's Petition for Writ of Certiorari is required to be filed in the United States Supreme Court on or before May 26, 2005. However, the United States Court of Appeals stated on March 24, 2005 that the court "consider(ed) (Plaintiff's Motion for Reconsideration) to be a petition for panel rehearing," thereby extending the date Petitioner's Petition for Writ of Certiorari is required to

be filed in the United States Supreme Court to June 23, 2005.

The Petitioner's Appeal Brief had been filed in the United States Court of Appeals for the First Circuit on January 20, 2005. The Appellant's Case had been opened in the Court of Appeals, for First Circuit on December 6, 2004.

VII. STATEMENT OF CASE

The Defendant, David Letterman, is the talk show host of the Late Show, broadcast on Channel 4, CBS television weekdays from 11:30 p.m. to 12:30 p.m. The Defendant, Craig Kilborne, is (had been) the talk show host of the Late, Late Show , broadcast on Channel 4, CBS television, from 12:30 a.m. to 1:30 a.m. weekdays. The Defendant, CBS Broadcast, Inc., owns and operates Channel 4 Television, and their main headquarters are located at 51 West 52nd Street, New York City, New York.

Defendants and co-Conspirators of Defendants violated Plaintiff's Constitutional Rights when Defendants invaded Plaintiff's Privacy, as described in detail in Plaintiff's Complaint. On five separate occasions, Defendants and Co-Conspirators had been immediately removed from their television or radio programs immediately after Plaintiff had either visited a hospital emergency room or typed the "Complaint." This demonstrates that the television and radio stations had been involved in the Conspiracy, and fired Conspirators when the situation became dangerous to the Broadcast companies. The Defendants caused immeasurable Damage to the Plaintiff and to Plaintiff's life because Defendants were either directly responsible for Invasion of Plaintiff's Privacy or were involved in a Conspiracy to Invade Plaintiff's Privacy. Defendants had been directly and indirectly involved with a former classmate of Plaintiff who arranged for or personally commit Invasion of Plaintiff's

Privacy, in addition to all Causes of Action. Said illegal activities continue to date. The Defendants' illegal action caused millions of dollars of losses to Plaintiff, to Plaintiff's family and untold millions of dollars of losses of potential earning capacity of Plaintiff.

In Plaintiff's "Complaint" Plaintiff quoted innumerable statements made by Defendants and co-Conspirators in the media which referred directly to the Plaintiff, all of which demonstrated Invasion of Plaintiff's Privacy. Plaintiff stated in "Complaint" theft of valuable financial plans from Plaintiff's home which demonstrated potential earning capacity of Plaintiff of as much as $900,000 per year net proceeds, none of which Plaintiff has been able to earn due to Defendants' illegal actions against Plaintiff. Plaintiff states David Letterman, Craig Kilborne, Howard Stern, Charles Laquidara, Mark Parento, among others, all known media personalities, were Co-Conspirators of Douglas Stevens, former classmate of Plaintiff who had been involved with Howard Stern, as demonstrated by an Internet photograph. In regard to the conspiracy against Plaintiff, Charles Laquidara, disk jockey, had stated on radio "They have been trying for 20 years to get you and they finally did. And I am so glad." (See Complaint) Charles Laquadeira had made reference to Plaintiff's home, to Plaintiff's license plate, and numerous other personal references to describe Plaintiff on the radio, done with malicious intentions. Charles Laquidara had stated during 1999 "Join us or you are going down." Craig Kilborne had stated during 2003 "meet grandma in the parking lot ... with a lead pipe...". Disc jockey, Carter Allen, WBCN, had stated on the radio during 1998 to 1999 "There is so much stuff going on that you would not believe me if I told you." Mark Parento had stated during 1999 on the WBCN radio program of which he was the disc jockey "It's a Twenty Year Tragedy." Plaintiff had sent a telegram to Charles Laquidara and WBCN Radio to discontinue interfering in Plaintiff's Life and advised him that Plaintiff

would bring a lawsuit against him and WBCN Radio if he did not discontinue his illegal actions against Plaintiff. He responded to the telegram by stating on WBCN radio "Sue me? I'll sue you" and "What about all of the other (Radio, television) stations?"

Wine bottles that had been displayed on David Letterman's desk which displayed photographic details from Plaintiff's paintings on their labels to demonstrate "Defamation of Character" of Plaintiff by Defendants, theft of contents from Plaintiff's home, illegal entry into Plaintiff's home, and Invasion of Privacy by Defendants and co-Conspirators. Plaintiff has the photographs of Plaintiff's painting "details" in Plaintiff's possession. See "Evidence." The repeated, televised statements of Craig Kilborne of "... she is going to sue us for $23,000,000..." during the same evening of the day during which Plaintiff had typewritten Plaintiff's original Complaint in February, 2003, and stated on subsequent occasions, clearly demonstrates that Craig Kilborne had been involved in invading Plaintiff's privacy or involved in a conspiracy to invade Plaintiff's privacy. The Defendants' statements also demonstrate that the "Condition continued to Exist" at least until February, 2003, thereby demonstrating that the Statute of Limitations had not expired in 1999. To demonstrate the validity of Plaintiff's accusations, Plaintiff has described heinously insulting photographs of Plaintiff which had been taken without Plaintiff's knowledge or consent, taken in Plaintiff's home, and published in national Art Journals by co-Conspirators. Plaintiff hereby accuses Defendants of reckless behavior towards Plaintiff, thereby being responsible for such occurrences, and of physically endangering the lives of Plaintiff and Plaintiff's family members. The Defendants involvement in willful, malicious and deceptive illegal activities interfered with the Plaintiff's Constitutional Rights of Life, Liberty and the Pursuit of Happiness, thereby denying Plaintiff her Unalienable Rights as a U.S. Citizen.

VIII. SUMMARY OF ARGUMENT

Defendants and co-Conspirators of Defendants violated Plaintiff's Constitutional Rights when Defendants invaded Plaintiff's Privacy, as described in detail in Plaintiff's Complaint. Plaintiff and plaintiff's family members have suffered untold millions of dollars of losses of income and losses of potential income due to the "Invasion of Plaintiff's Privacy" and "Theft of Intellectual Information" of Defendants and Co-Conspirators, in addition to their violations of all other Counts of the twelve Counts of Action of Plaintiff's "Complaint." See "Addendum, Photographic Evidence" and "Appendix," "Plaintiff's Motion" dated March 8 & March 23, 2005. The real reason the U.S. District Court and U.S. Court of Appeals dismissed and affirmed the decision to dismiss Plaintiff's "Complaint" was because Plaintiff's "Complaint" deals with "Unpopular Subject Matter." See "Arguments, herein," "C. Delusional...," "1. Unpopular Subjects: The Basis Courts may use for Dismissal."

It was impossible for the First Circuit Court of Appeals to have believed that the following occurrences, perpetrated against the Plaintiff were "mere coincidences," as previously stated by the Defendants. On five separate occasions, Defendants and Co-Conspirators had been immediately removed from their respective television or radio programs immediately after Plaintiff had visited a hospital emergency room as a patient and/or had typed Plaintiff's "Complaint". Five incidents of the sudden, unexpected dismissals or retirement of five Co-conspirators and Entertainers of Radio and Television, all of whom Plaintiff has accused of being involved in a conspiracy to "Invade Plaintiff's Privacy," do not add up to "coincidences." These "dismissals" of Co-conspirators demonstrate the validity of

Plaintiff's claims.

1. Upon Plaintiff having been hospitalized on October 9, 2004, Saturday, and severely ill, barely able to walk due to severe dizziness caused by Stroke, Craig Kilborn had been removed from CBS Broadcast, Inc. by the following Monday evening, October 11, 2004.

2. Howard Stern had been removed from his television program in 1999 immediately after Plaintiff had visited an attorney to represent her against Howard Stern immediately after Plaintiff had seen the televised Howard Stern Show. The program had demonstrated Surveillance of Plaintiff's home being displayed on a studio monitor.

3. Years earlier, Plaintiff had been seen in a Boston hospital in the Emergency Room for a serious ailment, suffering either chest pain, suggesting angina attack or suffering a stroke. On Monday immediately following Plaintiff's Saturday visit to the Boston emergency room, Charles Laquidara had been removed from WBCN radio after 20 years of his employment as Disc Jockey at WBCN.

4. Plaintiff visited a New Hampshire attorney in 2000 to bring suit against Charles Laquidara and Defendants named herein. Charles Laquadara had "retired" to Hawaii immediately thereafter, after Stock Market Crash and after all Financial Losses to Plaintiff and Plaintiff's family in April, 2000.

5. On February 24, 2004 Plaintiff documented the Monitor incident of 1999, which dealt with Invasion of Plaintiff's Privacy, in Plaintiff's Complaint. February 25, 2004 Howard Stern had been fired from his radio broadcasts for "Indecency," the radio stations having been fined $750,000 by the F.C.C.

6. The repeated, televised, threatening statements of Craig Kilborne of "... she is going to sue us for $23,000,000..." during the same evening of the day during which Plaintiff had typewritten Plaintiff's original Complaint

in February, 2003, and subsequently, clearly demonstrates that Craig Kilborne had been involved in invading Plaintiff's privacy or involved in a conspiracy to invade Plaintiff's privacy.

7. The wine bottles that had been displayed on David Letterman's desk during 2003 displayed photographic details from Plaintiff's paintings on their labels to demonstrate "Defamation of Character" of Plaintiff by Defendants. Plaintiff has the photographs of painting "details" in Plaintiff's possession. See "Evidence."

8. The host of a CNN financial analysts' programs had stated on television "It's the formula, Stupid" during 2003. These three incidents demonstrate that Surveillance was ongoing in 2003 and that the "Condition continued to exist" during 2003 as stated in "Arguments, B. Statute of Limitations."

STATUTE OF LIMITATIONS RULE

At Plaintiff's "Arguments," "Statute of Limitations," "Extraordinary Circumstances" and "Delayed Discovery Doctrine," "Mental Condition (memory damage due to Strokes) that interferes with Plaintiff filing Complaint," "Howard Stern and Doug Stevens: Photographic Evidence," "Intimidation of Plaintiff," "Statute of Limitations tolled because the Condition Continues to Exist," "Plaintiff did not truly 'Know' until 2003" (Plaintiff "suspected" during 1999 but did not 'know'"), Plaintiff has stated in detail reasons why the Statute of Limitations should have been extended, did not expire in 1999, did not expire in 2004, and has not yet begun to Accrue, and the accrual of the Statute of Limitations should have been tolled. Plaintiff stated reasons in each area why both the U.S. District Court and the U.S. Court of Appeals made erroneous decisions.

EVIDENCE

Plaintiff will be able to "prove" Plaintiff's case at Trial because of Plaintiff numerous photographs, listed in Addendum of Plaintiff's Appeal Brief and in "Petition for Writ" which will prove that the Defendants had commit "Invasion of Privacy" of Plaintiff, in addition to other Causes of Action of Plaintiff's "Complaint." The District Court's decision to "dismiss" because "Plaintiff failed to state a claim upon which relief can be granted because she cannot prove facts to support her claims" was an erroneous decision, also erroneously Affirmed by the U.S. Court of Appeals.

RULES OF FEDERAL CIVIL PROCEDURE

According to the Rules, a "Complaint need not prove facts; a Complaint need only to state facts upon which relief can be granted." Plaintiff's "Appeal Brief," "Complaint," "Evidence," "Motions," "Erroneous Dismissal of Plaintiff's Complaint: Other Reasons," and Plaintiff's other statements herein certainly had "stated facts upon which relief can be granted." When the U.S. District Court decided and the U.S. Appeals Court Affirmed the decision that (1) "Gilroy's allegations and claims are patently implausible" and (2) "Gilroy's allegations appear to be sincere but delusional," both courts made erroneous decisions. The Plaintiff's "Comparison to Delusional Plaintiff's" proves that Plaintiff is not Delusional. Dr. Indorf, neurologist whom Plaintiff had seen frequently during 2004, stated that Plaintiff is not "Delusional." Plaintiff's workload and numerous business persons Plaintiff meets with daily proves that Plaintiff is not "delusional." Both courts dismissed Plaintiff's "Complaint" because Plaintiff's "Complaint" dealt with "unpopular subject matter" simply because the Defendants include media giant, CBS Broadcast, Inc. and other Defendants who are very "popular" in the eyes of the courts. While it may be difficult to believe that such esteemed Defendants would lower

themselves to the degree to become involved in "Invasion of Privacy" of Plaintiff, Plaintiff's "Complaint" and "Appeal Brief" prove that the Defendants were, in fact, guilty of all allegations of Plaintiff's "Complaint." Plaintiff states that it is the Defendants who are deluded in believing that they will be allowed by the Courts to violate a private citizens' Constitutional Rights under the "color" of "Entertainment."

IX. ARGUMENTS

Plaintiff's numerous "Arguments" are listed in the "Table of Contents," all of which Plaintiff stated in Plaintiff's "Appeal Brief" to the United States Court of Appeals for the First Circuit, all of which demonstrate adequately that both courts made erroneous decisions in dismissing Plaintiff's "Complaint," the U.S. District Court for the District of N.H. erred in dismissing Plaintiff's "Complaint" and the U.S. Court of Appeals for the First Circuit made erroneous decision in "Affirming" the District Court's Decisions to Dismiss. For the U. S. Supreme Court to arrive at a just decision of whether or not Plaintiff's "Complaint" should be dismissed, the United States Supreme Court must read Plaintiff's "Appeal Brief," attached in Appendix. Plaintiff had included new information in Plaintiff's "Reply Brief," but was not allowed to submit same to the U. S. Court of Appeals because the Court erroneously "Affirmed" the District Court's Decision without allowing Plaintiff the opportunity to do so. Plaintiff had also filed a "Motion" to request that Plaintiff be allowed to include Plaintiff's photographic Evidence and other Evidence in Plaintiff's Appeal, but was not allowed to do so, although the Defendants had agreed in writing in a prior Notice to Plaintiff and to the Court to allow Plaintiff's photographic Evidence to be included in Addendum of Plaintiff's "Appeal Brief." Plaintiff requests that the Supreme Court read and consider important portions of Plaintiff's "Complaint" which describes in detail all illegal

actions of Defendants against Plaintiff, which include violations of the United States Constitution and interfering with Plaintiff's Constitutional Rights in conducting illegal Surveillance of Plaintiff, whereby the Defendants "Invaded the Privacy" of the Plaintiff. The Defendants' illegal activities against the Plaintiff cost the Plaintiff numerous millions of dollars in financial losses.

A. FEDERAL RULES OF CIVIL PROCEDURE: Support Plaintiff's Arguments See Footnote [1].

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[1] A. FEDERAL RULES OF CIVIL PROCEDURE: Support Plaintiff's Arguments.

1. According to Rules of the Federal Rules of Civil Procedure, a Complaint need not prove facts; a Complaint need only to state facts upon which relief can be granted. Plaintiff "Appeal Brief" filed January 20, 2005 clearly "...stated a claim under which relief can be granted..." @ Fed. R. civ. P. 12(b)(6).

2. According to Rules of the Federal Rules of Civil Procedure, the court is required to allow a more liberal interpretation to Pro se litigants.

3. According to Rule 8 of the Federal Rules of Civil Procedure, "substantial justice" must be provided to all parties.

4. Plaintiff filed Plaintiff's Appeal Brief on January 20, 2005 which made reference to and explained each of the opposing factors in detail, including the "delayed discovery rule" in regard to the Statute of Limitations Rule.

5. The United States Court of Appeals for the First District did not address the Plaintiff's statement of the "Delayed Discovery Rule," or include same in their reasons to dismiss, when the court Affirmed the decision to dismiss Plaintiff's Complaint.

6. According to the "Delayed Discovery Doctrine," Statute Limitations is had not yet begun to accrue when Plaintiff filed Plaintiff's Complaint, and still has not yet begun to accrue, because the "Condition Continues to Exist."

7. The United States Court of Appeals should not have considered dismissal of Plaintiff's Complaint for Summary Disposition at least until after the United States Court of Appeals for the First Circuit had first reviewed Plaintiff's "Appeal Brief."

8. Summary Disposition should not have been granted by the United States Court of Appeals unless the case had been dismissed Sua Sponte.

9. Because the Plaintiff's case had not been dismissed Sua Sponte, the United States Court of Appeals for the First Circuit erred when the court granted Summary Disposition to the Defendants.

10. For ethical reasons, the United States Court of Appeals for the First Circuit should not have Affirmed the Decision of the U.S. District Court because the court had not first given the Plaintiff the opportunity to file Plaintiff's Reply Brief which would have provided "facts to support Plaintiff's claims."

11. Plaintiff had advised the United States Court of Appeals for the First Circuit that Plaintiff intended to attach photographic Evidence to support Plaintiff's "Complaint" in Plaintiff's "Reply Brief" before the court Affirmed the decision of the U.S. District Court.

12. Because Plaintiff had filed only a "Complaint" and because the case has not yet been heard at Trial, and because the "Complaint" itself had been erroneously dismissed in both courts, Plaintiff has not had the opportunity to include photographic evidence and other "Evidence" to support Plaintiff's claims. Therefore, the courts erred in dismissing Plaintiff's "Complaint" in giving for reasons that Plaintiff could not provide facts to support Plaintiff's "Complaint" because the courts had not yet seen Plaintiff's "Evidence." That is, how can a court decide that a Plaintiff cannot "state facts under which relief can be granted" if the courts will not allow the Plaintiff to provide the "Evidence" required to "state facts under which relief can be granted?" Evidence is never included in any complaints.

B. STATUTE OF LIMITATIONS RULE: Reasons to Extend; Tolling of Statute; Beginning of Accrual; Reasons Courts Erred

1. DELAYED DISCOVERY DOCTRINE: Plaintiff suffers from a "Mental Condition" that Delayed Plaintiff's Filing of Case: Statute of Limitations Rule; the accrual of the running of the Statute of Limitations is delayed if the Plaintiff suffers from a "mental condition" that interferes with Plaintiff having filed Plaintiff's case before the expiration of the Statute of Limitations. Because Plaintiff had suffered a Stroke during the early 1990's that damaged the right Cerebellum of Plaintiff's brain, Plaintiff's memory had been damaged, which interfered with Plaintiff's ability to file Plaintiff's Complaint within the time required of the Statute of Limitations, or before 2004. Not until June, 2004 had Plaintiff had been advised that Plaintiff had suffered a Stroke by the chief Emergency Room physician. The CT-Scan of June, 2004 and subsequent MRI x-rays documented clearly that Plaintiff had suffered damage to Plaintiff's Cerebellum at the right side of Plaintiff's brain during previous years. In August, 2004 and October, 2004 Plaintiff returned to be treated at the Emergency Room, again severely ill due to severe dizziness which demonstrated an escalating of Plaintiff's medical condition. In November, 2004 Plaintiff learned that the Cerebellum controls "memory" and controls one's ability to organize information. Damage to the Cerebellum does not interfere with intelligence and does not cause any form of insanity. Damage to Plaintiff's Cerebellum clearly demonstrates that Plaintiff suffers a "mental condition" and/or health condition that causes Plaintiff to "forget" or to be unable to bring to completion tasks which Plaintiff has begun, most relevant is the filing of this Complaint against the Defendants within the three year deadline of the Statute of Limitations Rule which the District Court established, erroneously, to be 1999. Other peculiarities that demonstrate

interference to Plaintiff's activities due to Strokes: (1) On occasion, Plaintiff had developed an inability write completed words on occasion, a "mental condition" which Plaintiff would observe upon re-reading material Plaintiff had written. That is, several letters would unintentionally be omitted at the ends of words. (2) Plaintiff's memory damage is apparent to the degree that while Plaintiff owned a restaurant, and paid bills on the premises, Plaintiff did not begin eviction proceedings against a non-paying tenant for innumerable months later than Plaintiff should have because Plaintiff had "forgotten" about the non-paying tenant situation. (3) Damage to Plaintiff's

Cerebellum had caused Plaintiff's Complaint to become too long and somewhat unwieldy, causing it to be difficult for Plaintiff to better "organize" the Complaint.

Plaintiff had intended to file a lawsuit against the Defendants as early as 1999 and/or soon thereafter, but the initial stroke during the 1990's caused a "mental condition" in the form of damage to Plaintiff's Cerebellum that interfered with Plaintiff's attempts, intentions and ability to file a lawsuit against the Defendants earlier. The initial Stroke and subsequent Strokes had been caused by severe harassment of Plaintiff by Defendants and co-conspirators of Defendants, as described in detail in Plaintiff's Complaint. The constant stress caused to Plaintiff due primarily to the Defendants' Invasion of Plaintiff's Privacy, involvement in a conspiracy to commit all the Cause of Action of Plaintiff's Complaint, constant harassment caused to Plaintiff due to continuous break-ins to plaintiff's home, theft of contents and damage to Plaintiff's home and other real estate holdings, and constant references having been made to Plaintiff in televised broadcasts have escalated the damage to Plaintiff in the form of Stroke(s) and escalated the condition which causes Plaintiff to "forget." Because damage to an individual's cerebellum cannot be cured and the "mental condition" is not reversible, then, theoretically at least, there can be no statute

of limitations in this case. The Statute of Limitations will not be able to "begin to accrue." Certainly, the Statute of Limitations must be extended due to "Extraordinary Circumstances" or until such time as Plaintiff had been able to file Plaintiff's Complaint. Because the accrual of the Statute of Limitations does not begin to accrue until a "mental condition that interferes with the filing of a Complaint" no longer exists, the accrual period of the running of the statute of Limitations could not have begun until at least 2004, or never, because the "mental condition" is not reversible and not curable. Therefore, the Statute of Limitations had not expired when Plaintiff had filed Plaintiff's Complaint.

2. HOWARD STERN & DOUG STEVENS: INTERNET PHOTOGRAPH OF 2003: The District Court erred when the court decided that Plaintiff knew or should have known in 1999 that Plaintiff had been under Surveillance and that Plaintiff's Privacy had been being Invaded. Plaintiff had not actually "known" that Plaintiff had been under Surveillance until November, 2003 at which time Plaintiff discovered a photograph on the Internet of Howard Stern, late night talk show host, with Doug Stevens, former college classmate and acquaintance of Plaintiff and owner of Boston-based Handsome Brothers Music Services and advertising agency. Plaintiff had "suspected" during the Monitor incident in 1999 which involved Howard Stern, but did not actually "know" that Plaintiff's home had been under Surveillance. Not until November, 2003 did Plaintiff truly "know" and comprehend any reason why Howard Stern and the Defendants would have been involved in a conspiracy to have performed Surveillance upon Plaintiff. In error and poor choice of words, Plaintiff had used the words that "Plaintiff knew in 1999." Knowledge and Comprehension apply together in this case. Plaintiff had had no personal involvement with either Howard Stern or with the Defendants. Therefore, the Statute of Limitations period

could not have actually begun to accrue before November, 2003 when Plaintiff had discovered the photograph on the Internet of Howard Stern and Doug Stevens.

Because the Federal District Court had not known of the photograph of Howard Stern and Doug Stevens, Because the Federal District Court had not known of the relationship of Doug Stevens to the Plaintiff, of Doug Stevens to Howard Stern, of Stevens Advertising Agency to Blue Man Group, or of Plaintiff's indirect involvement with media personalities, Judge DeClerico made the erroneous decision to (1) dismiss Plaintiff's Complaint due to the Statute of Limitations Rule; (2) dismiss Plaintiff's Complaint due to "Delusional" reasons. The Plaintiff's photographs and handbills of Blue Man Group prove the facts. Because Judge DeClerico had no knowledge of Plaintiff's photographic evidence and handbills, Judge DeClerico made the erroneous decision that Plaintiff had "failed to State a Claim upon which relief can be Granted," further stating that "Plaintiff cannot prove facts." The U.S. Court of Appeals erroneously Affirmed the U.S. District Court's decisions. Plaintiff had filed a Motion to request that the U.S. Court of Appeals allow Plaintiff to include photographic Evidence in Plaintiff's Appendix or Addendum, but was not allowed to do so. "Plaintiff's Motion" is attached in Appendix.

Plaintiff states that Doug Stevens, the owner of Handsome Brothers Music Services, and Stevens Advertising Agency had planned, schemed, and arranged for the Surveillance of Plaintiff, and had commit Conspiracy with Defendants to conduct Surveillance of Plaintiff, in order to obtain Clients from Defendants and co-Conspirators of Defendants as payment for their services of Surveillance of Plaintiff. During previous years, Handsome Brothers advertising agency had had very few clients. Plaintiff had also

discovered during 2003 and 2004 that Handsome Brothers Music Services and advertising agency suddenly had numerous new clients.

3. STATUTE OF LIMITATIONS TOLLED: DELAYED DISCOVERY DOCTRINE. THE CONDITION STILL EXISTS: SUPREME COURT OF FLORIDA: The host of a CNN financial analysts' programs had stated on television "It's the formula, Stupid" during 2003." Statements made by Defendants during 2003 in reference to Plaintiff. These demonstrate that Surveillance was ongoing in 2003 and that the "Condition continued to exist" during 2003 as stated in "Arguments, Statute of Limitations.

4. STATUTE OF LIMITATIONS : INTIMIDATION of PLAINTIFF

a. Due to the immeasurable power and wealth of the Defendants, Plaintiff had been "Intimidated" from filing Plaintiff's Complaint within the time the U.S. District Court arrived at to satisfy the Statute of Limitations Rule.

b. Due to the threatening statements of Craig Kilborne in regard to "... meet grandma in the parking lot with a lead pipe..." immediately after Plaintiff wrote Plaintiff's "Complaint," Plaintiff's life was in danger if Plaintiff pursued the lawsuit against the Defendants. See Plaintiff's "Appeal Brief."

5. STATUTE of LIMITATIONS: EXTRA-ORDINARY CIRCUMSTANCES.

a. ATTORNEYS: Plaintiff had contacted two separate attorney's in Massachusetts during early 1999 to bring suit against Defendants, Howard Stern, and Charles Laquidara, both of whom were too busy and unavailable. Soon thereafter, Plaintiff had contacted attorneys in Nashua,

N.H., Manchester, N.H. and in New Bedford, MA., in addition to other locations. All attorneys stated they were too busy while Plaintiff did not have knowledge, ability or time to file Plaintiff's Complaint alone.

b. Plaintiff had suffered a fracture to Plaintiff's already severely damaged Spine during 1999, leaving Plaintiff nearly bedridden for months. Due to this injury, pain continuing to this date, Plaintiff had been unable to pursue the filing of the Lawsuit against Defendants.

c. Plaintiff had sold Plaintiff home of some 35 years in 1999, causing great difficulty for Plaintiff in relocating to another state, namely N.H. Plaintiff had no time to file a lawsuit against Defendants in 1999.

d. During 2001 Plaintiff had been forced to declare Bankruptsy until such time as Plaintiff would be able to sell one commercial property in order to not become Foreclosed upon. Due to this, Plaintiff had no time to file a lawsuit against the Defendants, and certainly had no available cash, to hire an attorney to represent Plaintiff. See Plaintiff's "Appeal Brief" for other "Extraordinary Circumstances.

XI. ARGUMENTS

C. "DELUSIONAL" GIVEN as REASON FOR ERRONEOUS DISMISSAL: See Plaintiff's "Appeal Brief."

1. **U.S. DISTRICT COURT, NEW HAMPSHIRE DISTRICT ERRED**

2. **PROOF OF PLAINTIFF'S SANITY TO DISPROVE "DELUSIONAL" REASON TO DISMISS: See Plaintiff's "Appeal Brief"**

   a. **MEDICAL OPINION: PLAINTIFF IS NOT DELUSIONAL:**See Plaintiff's Addendum: Dr. Indorf's letter

b. PLAINTIFF'S WORKLOAD; BUSINESS PERSONS PLAINTIFF MEETS DAILY: See "Appeal Brief"

c. EMERGENCY ROOM PHYSICIANS WOULD NOT ALLOW PLAINTIFF TO LEAVE EMERGENCY ROOM IF DELUSIONAL: See Plaintiff's Appeal Brief

3. COMPARISON of PLAINTIFF'S COMPLAINT to ACTUALLY DELUSIONAL PLAINTIFFS:

Very few Complaints have given "Delusional" as reason for Dismissal, the following being the most recent: Docket #01-10124-BC in the U.S. District Court, Eastern District of Michigan, Northern Division in the case of Plaintiff, Chad Gabriel Dekoven, a.k.a. "Messiah-God' #145274, Plaintiff pro se, for comparison sake to Plaintiff's (Gilroy) case and complaint. Plaintiff, Chad Gabriel Dekoven, was obviously insane and/or a terrorist, or a combination of both. It is absurd for the District Court to have found Plaintiff, Gilroy, "Delusional" when Gilroy's Complaint and Gilroy's healthy mental status are compared with actually "Delusional" Plaintiffs. See Plaintiff's Appeal Brief.

a. CLAIMS OF DELUSIONAL PLAINTIFFS

In regard to Docket #01-10124-BC in the U.S. District Court, Eastern District of Michigan, Northern Division in the case of Plaintiff, Chad Gabriel Dekoven, a.k.a. "Messiah-God' #145274, Judge David J. Lawson states in his Decision on April 26, 2001 that

"Plaintiff ..." (Dekoven) "... claims to have been known by over fifty other names throughout history, including Osiris, Ra, Yahweb, Lucifer, The Lamb, Jesus, Jesus Christ, Moses, The Creator, Allah, Satan, Zeus, Abraxas, Apollo, Hercules,

Jupiter, Romulus and Remus, Dracula, The President, Job, Noah, Quetzalcoat, Dionysus, Dakota Belzadok, and others. See Plaintiff's (Plaintiff Chad Gabriel Dekoven) Appendix B ." "The ... psychiatric staff (of the prison) ... said the Plaintiff was 'Delusional' Schizo-affective etcetera etcetera.' Complaint at 79."

Dekoven demanded a judgment of absurd items that would have been impossible for any Court to provide. Judge David Lawson stated

"... plaintiff (Dekoven) requests that the U.S. government give Plaintiff "... 600 million metric tons of .995 gine gold; 25 billion metric tons of refined steel; 50 million metric tons of refined copper; 250 million metric tons of refined silver, and various animals, including 500 pairs each of mature breeding lake trout, ... 5 million breeding pairs of bison; 500 million mature breeding pairs of each species of crab and mollusk that inhabit the waters in the borders of the U.S. and 45 million trees of various varieties at least the age of 50 years old." "Alternatively ... he ... seeks 50 million metric tons of salt from Detroit salt mines, and 25,000 mature breeding pairs of every creature that exists in the State of Michigan, and other items. Complaint at 124. Plaintiff's (Dekoven) requests for relief from the other defendants in this lawsuit are found at pages 124-125 of the complaint." (Footnote, page 5) [2]

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[2] Judge Lawson stated:

"Plaintiff (Dekoven) requests many forms of relief ... including ... 1) public acknowledgment by the State of Israel that plaintiff is the King of the Jews; 2) release from prison of the killers Yitzak Rabin; 3) plaintiff's immediate release from prison, or in the alternative, a declaration by the State of Israel that plaintiff is a political prisoner; 4) treatment of the Red Heifer, melody, as royalty; 5) a public declaration that plaintiff is also Allah and, at his insistence, an immediate establishment of a state of peace and disarmament in the Middle East; 6) a declaration of safe passage and sanctuary for Osama Bin Ladin; 7) a declaration from the U.S. government that plaintiff's claim that he is

Judge David M. Lawson found that " ... his submissions (Dekoven's Complaint) ..." (contained) "... <u>often irrational, megalomaniacal content</u>." (Page 21) [3]

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the Messiah-God is true; 8) issuance of a full pardon for plaintiff; 9) a declaration that the founding fathers of America violated the Ten Commandments when they wrote the U.S. Constitution and that, consequently, the Constitution and any powers established thereunder have no legal authority over plaintiff; and 10) return to the U.S. of all U.S. military personnel and as much of their equipment as possible within ninety days."
Dekoven had named as Defendants the following: "...Supreme Counsel Ancient Accepted Scottish rite of Free Masonry, Simon and Schuster, U.S. of America, Great Britain, U.K., Northern Ireland, State of Michigan, Aish Ha Torah, and Nation State of Israel."

[3] Judge David M. Lawson wrote in his Opinion
"A complaint lacks an arguable basis in fact when its factual allegations are fantastic or delusional, such as allegations that Robin Hood and his Merry Men deprived prisoners of their access to mail or that a genie granted a warden's wish to deny prisoners any access to legal texts." (page 7) "... the courts have found that allegations that any "... plaintiff is a deity to be fanciful, fantastic, and delusional. Consequently, the courts have held such complaints to be frivolous because of their inadequate factual bases. See e.g., Mallon v. Padova, 806 F. Supp. 1189, 1191-92 (E.D. Pa. 1992)"
"A complaint is frivolous if it lacks an arguable basis of law in law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989)."

Judge Lawson quoted the following and stated
" ' A complaint lacks an arguable basis in law or fact if it contains factual allegations that are 'fantastic or delusional' ... " or if it is based on legal theories that are indisputably meritless.' Brown v. Bargery, 207 F. 3d 863, 866 (6th Cir. 2000). See also Lawler v. Marshall, 898 F. 2d 1196, 1198-99 (6th Cir. 1990)." (page 6)

Judge David M. Lawson wrote
" In Robinson v. Love, 155 F.r.D. 535, 535 (E.D. Pa. 1994), ... Judge Robreno found that ' (I)f the allegations contained in the complaint ... stand genuinely outside the common experience of humankind, such

Judge David J. Lawson stated [5]

"Because the Court finds that the complaint is patently frivolous, implausible, unsubstantial and devoid of merit, the Court ... lacks subject matter jurisdiction ... and will, therefore, dismiss the complaint sua sponte. Dekoven's complaint ...(contains) over eighty pages of exhibits..." "A complaint fails to state a claim 'if it appears beyond a doubt that the Plaintiff (Dekoven) can prove no set of facts in support of his claim that would entitle him to relief.' Brown, 207 F.3rd at 867."

Judge David J. Lawson stated

"... a district court may ... sua sponte dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) ... Federal Rules of Civil Procedure when the allegations ... are totally implausible, attenuated, unsubstantial, frivolous, devoid or merit, or no longer open to discussion.' Apple v. Glen, 183 F.3d at 479 (citing Hogans v.

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claims may also be dismissed as irrational or wholly incredible.' " (page 19)

[5] Judge David M. Lawson wrote
"Because there is no legal basis for any of plaintiff's (Chad Gabriel Dekoven) claims, ... claims are barred by various immunity doctrines ..., the Court finds that plaintiff's complaint is so devoid of merit that it fails to invoke this Court's subject matter jurisdiction, see Apple, 183 F.3d at 479-80, and therefore must be dismissed." (Page 17) " 'The term 'frivolous,' when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegations.' Neitzke, 490 U.S. at 325." " ... any allegations that ..." (any) "... plaintiff is a deity to be fanciful, fantastic, and delusional ... such complaints to be frivolous because of their inadequate factual bases. See e.g., Mallon v. Padova, 806 F. Supp. 1189, 1191-92 (E.D. Pa. 1992)." "... finding that plaintiff's allegations that he was God and the President of the U.S. were fantastic and delusional and complaint frivolous."accord grier v. Reagan, Civ. A. No. 86-0724, 1986 WL 3948 (E.D. Pa. Apr. 1, 1998

Lavine, 415 U.S. 528, 536-37 (1974).

b. CIVIL RIGHTS LAW: For comparison of Plaintiff (Gilroy) to really Delusional Plaintiffs, Plaintiff Gilroy's Complaint claimed violations of Plaintiff Gilroy's Constitutional Rights because the Defendants Invaded Plaintiff's Privacy.[6]

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[6] In regard to Civil Right Law, Judge David M. Lawson's Opinion stated "To establish a prima facie case under 42 U.S.C. @ 1983, a civil-rights plaintiff must prove that (1) the defendant acted under color of state law, and (2) the offending conduct deprived the plaintiff of rights secured by federal law. Bloch v. Ribar, 156 F.3rd 673, 677 (6th Cir. 1998)(citing Paratt v. Taylor, 451 U.S. 527, 535 (1981))." (page 8)

Judge David M. Lawson's Opinion stated
"B. "A civil rights complaint must allege that the plaintiff's constitutional rights were violated by a person acting under color of state law to set forth an arguable claim." and "... plaintiff has not named any persons as the wrongdoers or constitutional tortfeasors." (Page 9, paragraph 2)

Judge David M. Lawson's Opinion stated
"Plaintiff (Dekoven) also alleges that the defendants have conspired to deprive him of his constitutional rights. However, ' (i)t is well-settled that conspiracy claims must be pled with some degree of specificity and that vague and conclusory allegations unsupported by material facts will not be sufficient to state such a claim under @ 1983.' Gutierrez v. Lynch, 826 F.2d 1534, 1538 (6th Cir. 1987). See also Chapman v. City of Detroit, 808 F.2d 459, 465 (6th Cir. 1986).' Judge Lawson stated " ... this Court concludes that plaintiff (Dekoven) has failed to set forth arguable federal claims against any of the defendants." (Page 10)

Conspiracy Law: Judge David M. Lawson wrote
"A claim of conspiracy under @ 1985 requires proof of the following elements: 1) a conspiracy of two or more persons; 2) that the conspiracy's purpose is to deprive, directly or indirectly, a person or class of persons of equal protection of the laws; 3) an act in furtherance of the conspiracy; 4) the act causes injury to the person or property of

4. METHODS, TRANSMITTING AUDIO-VISUAL INFORMATION

5. PLAINTIFF'S LACK OF KNOWLEDGE OF TECHNOLOGY

XI. ARGUMENTS

D. ERRONEOUS DISMISSAL OF PLAINTIFF'S COMPLAINT: OTHER REASONS

1. UNPOPULAR SUBJECTS: THE BASIS COURTS MAY USE FOR DISMISSAL : Wikipedia encyclopedia stated that "unpopular subject(s)" are the real reason that courts Dismiss cases when they provide "Delusional" as their reason for dismissal. The Defendants are "popular" defendants, being well renowned and appreciated by their respective audiences and CBS Broadcast, Inc. is a powerful media giant. Examples of unpopular subjects provided by the text were "Bolshevism" and "Communist," whereby the case had occurred during the 1950's when Communism was considered an enemy of the U.S.. If the same cases had been tried during 2004, such cases would not have been dismissed. In Plaintiff's situation, "Popularity" of Defendants (causing Plaintiff's "subject matter" to be unpopular") is not sufficient reason to Dismiss

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the plaintiff or a deprivation of any right or privilege of a citizen of the U.S.. Collyer v. Darling, 98 F.3d, 211, 233 (6th Cir. 1996)(page 12)."

a Plaintiff's case.

2. DISTRICT COURT ERRONEOUS DECISION: One U.S. District Court demonstrated the validity of Plaintiff's "Complaint" when the court decided that "... just because the Supreme Court has never made a Decision about a particular subject matter in the past is not a valid reason to dismiss the case."

3. **UNITED STATES DISTRICT COURT'S ERRONEOUS DECISION "FAILURE TO STATE A CLAIM ":** U.S. District Court, District of N.H. erred when the Court stated that "Gilroy fails to state a claim upon which relief can be granted ... because she cannot prove facts to support her claims ... Therefore, her complaint must be dismissed." Numerous resources exist by which Plaintiff is able to state Plaintiff's "Claims," as demonstrated by Plaintiff herein, in addition to Plaintiff's ability to provide Witnesses at Trial. Plaintiff states that the photograph of Howard Stern and the owner of Handsome Brothers obtained by Plaintiff during 2003 "... proves..." "...facts upon which relief can be granted... " Plaintiff's claims and also satisfies the Statute of Limitations requirements. All of the section entitled "Evidence" states facts that can be proven at Trial in Court.

4. PLAINTIFF'S REPLY BRIEF: The U.S. Court of Appeals should not have Affirmed the decision of the U.S. District Court without having allowed Plaintiff the opportunity to file Plaintiff's "Reply Brief" and to include Photographs and other Evidence into Plaintiff's "Reply Brief" which would prove the validity of Plaintiff's "Complaint." Plaintiff had new information to provide in Plaintiff's "Reply Brief."

5. SUMMARY DISPOSITION GRANTING: NOT SUA SPONTE: Summary Disposition is generally not

Granted unless the Dismissal had been Sua Sponte. Because the Dismissal of Plaintiff's Complaint had not been Sua Sponte, Summary Disposition should not have been Granted by the U.S. Court of Appeals.

XI. ARGUMENT

E. EVIDENCE

The immediate removal of Craig Kilborn from CBS Broadcast, Inc. after Plaintiff became severely ill on October 9, 2004 demonstrates that CBS Broadcast, Inc. knew of the illegal activities of the other Defendants and was, therefore, equally guilty of the Counts alleged in the Plaintiff's "Complaint." The illegal activities of the other Defendants could not have occurred without CEO's in charge at CBS Broadcast, Inc. having been aware of such occurrences. In any event, CBS certainly should have known. CBS Broadcast is liable for the content of any statements made by their employees. It is not feasible that no member of the CBS Broadcast team (ie, hundreds of individuals?) would have known of the Defendants' Letterman and Kilborn illegal activities against the Plaintiff or would have brought such information to the attention of CEO's at CBS Broadcast. Therefore, Defendants' statement that "... there are no facts at all about CBS..." is a false statement by Defendants. If Defendants had not invaded Plaintiff's privacy and other Counts to which Plaintiff alleged Defendants had been guilty of, other individuals or co-Conspirators would not have attacked Plaintiff.

2. PUBLISHED PHOTOGRAPHS of PLAINTIFF: TAKEN UNDER SURVEILLANCE

a. PUBLISHED PHOTOGRAPHS of PLAINTIFF

In regard to the derogatory, previously published

photographs in Plaintiff's Brief and Reply Brief Exhibits, particularly the nude photograph of Plaintiff, no one who were to read the contents of Plaintiff's Complaint could arrive at the conclusion that anyone with Plaintiff's abilities, skills, educational background, artistic ability, and ability in the realm of real estate ventures and management, would allow the nude photograph to have been taken or would allow it to have been publicly published. The publication of the nude photograph of Plaintiff in an art periodical demonstrates that the Defendants had been involved in a Conspiracy to "Invade Plaintiff's Privacy," to cause "Defamation of Character" of Plaintiff, and all other Counts of Action of Plaintiff's Complaint. The photo had been taken in the privacy of Plaintiff's own bathroom. (Plaintiff had blocked out the nude portions of Plaintiff's body with paper, the photograph having been so offensive to Plaintiff plus inappropriate to submit to the Court of Appeals.)

The publication of these photographs of Plaintiff demonstrate that Defendants had been involved in a Conspiracy to "Invade Privacy of Plaintiff" and other Counts of Plaintiff's Complaint by illegal surveillance and photographing of Plaintiff in her home without Plaintiff's knowledge or consent. Plaintiff had never posed for the photographs or known that either had been taken. If the Defendants had not been involved in a Conspiracy to "Invade Plaintiff's Privacy" and all other Counts of Action, the above two photographs in two different Art publications (Art Forum (1987) and New York Gallery Guide (1999) would not have occurred. The express purpose for the publication of the photographs had been to degrade and humiliate Plaintiff and to damage Plaintiff's life and career. The attacks on the Plaintiff had occurred and had escalated because of the fame of the Defendants / Appellees. The illegal actions of the Defendants encouraged other Co-Conspirators to continue and to escalate their severely damaging harassment of

Plaintiff, their Invasion of Plaintiff's Privacy, their Surveillance of Plaintiff, their Interference in Plaintiff's Rights as a U.S. Citizen to "live in freedom within her own home without interference from outside sources in any legal way that Plaintiff sought fit," the rights of U.S. Citizens as guaranteed by the U.S. Constitution. Immediately after publication of the disparaging photograph of Plaintiff in the November, 1986 issue of Art Forum periodical, Charles Laquidara, disk jockey stated "They have been trying to get you for twenty years and finally did, and I am so glad." Charles Laquidara repeatedly referred to the issue on WBCN radio in order to draw attention to Plaintiff and to cause damage to Plaintiff's professional career and personal life. In the prior twenty years of Charles Laquidara's daily radio programs, he had never made reference to any publications.

b. DAMAGE PHOTOGRAPHS CAUSED TO PLAINTIFF

The publication of Photographs of Plaintiff, illegally taken in Plaintiff's Home, while Plaintiff had been under Surveillance by Defendants and Co-Conspirators, led directly to the financial losses to Plaintiff of innumerable millions of dollars of potential income in Plaintiff's Real Estate ventures, led to loss of Plaintiff's career as a Fine Arts Painter, and loss of career as Investor of substantial cash on hand in Stocks. Defendants' unasked for involvement in Plaintiff's life destroyed Plaintiff's life.

3. HOWARD STERN

a. HOWARD STERN MONITOR INCIDENT, TELEVISED 1999

During the year 1999, Plaintiff had fallen asleep while watching television, and Plaintiff had awoken at midnight while Howard Stern Show was being televised. Immediately after waking, Plaintiff had inadvertently passed gas. Plaintiff heard Howard Stern and his co-host make

references to bodily functions of Plaintiff which occurred within Plaintiff's home at that very instant. Immediately after Plaintiff had "passed gas" in her home, Howard Stern had said in a very surprised manner to his co-host "Did you just pass gas?" The co-host responded negatively "No. I do not do such uncouth things." Howard Stern then said "IT MUST BE THE MONITOR. 'S THE MONITOR TURNED ON?" Howard Stern immediately looked forward and faced what was apparently a 'monitor.' His movement was an automatic reflex action. Plaintiff, shocked by the incident, became suspicious that her home was under Surveillance by the Howard Stern show. See Plaintiff's "Complaint." See Plaintiff's "Appeal Brief."

b. EVIDENCE: PHOTOGRAPH of HOWARD STERN WITH DOUG STEVENS, OWNER, HANDSOME BROTHERS' MUSIC SERVICES and STEVENS' ADVERTISING AGENCY: See Plaintiff's "Addendum" to "Petition for Writ."

c. BLUE MAN GROUP HANDBILL: See Plaintiff's "Appeal Brief" and "Addendum" to "Petition for Writ."

5. EVIDENCE - WINE BOTTLES ON DESK OF DAVID LETTERMAN: See "Summary of Arguments" and "Statement of Case" in "Petition for Writ." See Plaintiff's Appeal Brief."

4. EVIDENCE - CRAIG KILBORNE'S REMOVAL FROM CBS BROADCAST, INC., EARLY OCTOBER, 2004: See Plaintiff's "Appeal Brief"

6. OTHER EVIDENCE TO DEMONSTRATE AT TRIAL IN COURT

a. TELEGRAM to CHARLES LAQUIDARA: See Plaintiff's "Appeal Brief" and "Addendum"

b. CALENDAR, 2003: "ASS GOOD ASS IT GETS":

See Plaintiff's Appeal Brief"

c. **WBCN STATION MANAGER**: See Plaintiff's "Appeal Brief"

7. **CHANGES TO DEFENDANTS' TELEVISED PROGRAMS:** See Plaintiff's Appeal Brief"
8. **MEDICAL OPINION that PLAINTIFF IS NOT DELUSIONAL**: See Plaintiff's "Addendum" to "Petition for Writ."
9. **WITNESSES**: See Plaintiff's "Appeal Brief."
10. **TELEVISED STATEMENTS of DEFENDANTS, QUOTED: PARTIAL LIST FROM COMPLAINT:** See Plaintiff's "Complaint" and "Addendum" to "Petition for Writ."

X. CONCLUSION

For all of the reasons which Plaintiff has stated in this Petition for a Writ of Certiorari, Plaintiff hereby appeals to the United States Supreme Court to reverse the erroneous decision of the United States Court of Appeals for the First Circuit to "Affirm" the district court's decision and the reverse the erroneous decision of the district court to "Dismiss" Plaintiff's Complaint.

May 24, 2005

Rosemary Gilroy
Plaintiff pro se - Appellant
107 Ponemah Road
Unit #1
Amherst, N.H. 03031
603-672-8412

XI. APPENDIX

1. JUDGMENT from U.S. DISTRICT COURT for the DISTRICT of NEW HAMPSHIRE.....
2. JUDGEMENT from U.S. COURT OF APPEALS for the FIRST DISTRICT.....
3. MANDATED JUDGMENT from U.S. COURT of APPEALS.....
4. U.S. COURT of APPEALS "DENIAL" of PLAINTIFF'S MOTION FOR RECONSIDERATION: Dated MARCH 24, 2005.....
5. PLAINTIFF'S APPEAL BRIEF.....
6. PLAINTIFF'S MOTION to U.S. DISTRICT COURT: JANUARY 26, 2005.....
7. PLAINTIFF'S MOTION of RECONSIDERATION to U.S. COURT OF APPEALS: MARCH 8, 2005.....
8. PLAINTIFF'S MOTION of RECONSIDERATION to U.S. COURT OF APPEALS: MARCH 23, 2005.....
9. PLAINTIFF'S COMPLAINT: On File in the U.S. District Court for the District of N.H.....
10. UNITED STATES CONSTITUTION: Relevant Pages.....
11. UNITED STATES CONSTITUTIONAL AMENDMENTS: Relevant Amendments.....

XII. APPENDIX

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Civil No. 04-135-JD

Rosemary Gilroy
v.
David Letterman, et al.

ORDER

Rosemary Gilroy, proceeding pro se, filed suit against David Letterman, Craig Kilborn, and CBS Broadcasting, Inc., alleging that the defendants, along with television host Howard Stern and others, put her home under surveillance and made remarks about her during televised programs and other performances. She alleges state law claims of invasion of privacy and conspiracy to invade her privacy, along with other related claims. The defendants move to dismiss on the grounds that Gilroy fails to allege a claim on which relief may be granted and that her claims are barred by the statute of limitations. Gilroy objects to the defendants' motion and moves "to increase the deadline of the statute of limitations."

Discussion

In considering a motion to dismiss, pursuant to Federal Rule of civil Procedure 12(b)(6), the court accepts the facts alleged in the complaint as true and draws all reasonable inferences in favor of the plaintiff. Calderon-Ortiz v. Laboy-Alvarado, 300 F. 3d 60, 63 (1st Cir. 2002). The court must determine whether the complaint, construed in the proper

light, "alleges facts sufficient to make out a cognizable claim." Carroll v. Xerox Corp., 294 F. 3d 231 241 (1st Cir. 2002). All that is required is a short and plain statement of the claim. See Gorski v. N.H. Dep't of Corr., 290 F.3d 466, 473 (1st Cir. 2002) (citing Swierkiewicz v. Soreme N.A., 534 U.S. 506 (20021).

A complaint filed by a pro se litigant is held to less stringent standards that one drafted by a lawyer. See Haines v. Kerner, 4004 U.S. 519, 520 (1972). Nevertheless, the court will not consider "bald assertions, unsupportable conclusions, and opprobricious epithets.'" Garrett v. Tandy Corp., 295 F. 3d 94, 97 (1st Cir. 2002) (quoting Chongris v. Bd. Of Appeals, 811 F. 2d 36, 37 (1st Cir. 1987)). "When a pro se complaint sets forth the facts upon which relief is sought, and a lenient construction demonstrates beyond doubt that the plaintiff can prove no set of facts to support her claim for relief, the complaint will be subject to dismissal pursuant to Fed. R. Civ. P. 12(b) (6)." Rockwell v. Cape Cod Hosp., 26 F.3d 254, 260 (1st Cir. 1994).

In summary, Gilroy alleges that the defendants, in a conspiracy with others, have conducted surveillance of her in her home, first in Newton, Massachusetts, and then after she moved to Amherst, New Hampshire. Because of their surveillance, she alleges, the defendants have made remarks during television programs and "Blue Man Group" performances that refer to her, to things pertinent to her life, and to her experiences. She also alleges that her homes have been broken into, that things have been taken, and that the defendants' activities have interfered with her relationships and her ability to conduct business and to support herself.

Without belaboring the issue, Gilroy's allegations and claims are patently implausible.[1] As such, Gilroy fails to state a claim against the defendants and her complaint is subject to

[1] Gilroy's allegations appear to be sincere but delusional.

dismissal on that ground. See, e.g., Apple v. Glenn, 183 F.3d 477, 479 (6th Cir. 1999). In addition, her claims are barred by the applicable statute of limitations.

Gilroy brings claims under New Hampshire law for invasion of privacy, conspiracy to invade privacy, defamation, intentional infliction of emotional distress, and other related claims. Under New Hampshire law, her claims are subject to a three year statute of limitations.[2] Gilroy states in her complaint that in 1999 she realized for the first time while watching a Howard Stern show that her home had been placed under surveillance. She then alleges incidents involving the defendants that, she believes, confirmed she was under surveillance.[3] Since Gilroy did not file suit until 2004, her claims are time-barred.

Gilroy moves "to increase the deadline for the statute of limitations." In support of her motion, Gilroy states that during 1999 she was busy with moving and business activities, that she suffered financial difficulties thereafter, and that she was ill in 2004. She also asks that the limitation period be extended because of "the severity and seriousness of (her)

---

[2] N.H. Rev. Stat. Ann. # 508:4 provides as follows:

I. Except as otherwise provided by law, all personal actions, except actions for slander or libel may be brought only within 3 years of the act or omission complained of, except that when the injury and its causal relationship to the act or omission were not discovered and could not reasonably have been discovered at the time of the act or omission, the action shall be commenced within 3 years of the time the plaintiff discovers, or in the exercise of reasonable diligence, should have discovered, the injury and its causal relationship to the act or omission complained of. II. Personal actions for slander or libel, unless otherwise provided by law, may be brought only within 3 years of the time the cause of action accrued.

[3] Gilroy believes that the defendants are acting with Stern as part of a conspiracy. As such she alleges surveillance generally, not that it was accomplished separately by individual perpetrators.

allegations against the Defendants." None of the reasons Gilroy provides would support tolling the limitations period in this case. Cf. N.H. Rev. Stat. Ann. # 508.8 (tolling for minority and mental incompetence); Furbish v. McKittrick, 149 N.H. 426, 430-32 (2003) (discussing tolling principles; McCollum v. D'Arcy, 138 N.H. 385, 287-88 (1994) (same).

Gilroy fails to state a claim upon which relief can be granted, both because she cannot prove facts to support her claims and because her claims are barred by the statute of limitation. Therefore, her complaint must be dismissed.

Conclusion

For the foregoing reasons, the defendants' motion to dismiss (document no. 9) is granted. The plaintiff's motion to increase the deadline (document no. 11) is denied.

The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED,

Joseph A. DiClerico, Jr.
United States District Judge

October 27, 2004
cc: Rosemary Gilroy, pro se
Wilbur Glahn, III, Esquire

UNITED STATES COURT of APPEALS
For the First Circuit

No. 04-2651

ROSEMARY GILROY,

Plaintiff, Appellant,

v.

DAVID LETTERMAN, ET AL.
Defendants, Appellees

Before

Boudin, Chief Judge,
Torruella and Lipez, Circuit Judges.

JUDGMENT

Entered: February 25, 2005

Appellant's Motion to Be Allowed to Add Evidence is denied. Evidence can not be introduced for the first time on appeal. In any event, the proposed evidence has no apparent bearing on actions by appellees that might have been taken within the three year statute of limitations period.

The appellees' motions for summary disposition is granted. Due to the appellant's failure to state a claim under Fed. R. Civ. P. 12 (b) (6), as discussed in the district court's order dated October 27, 2004, the judgment is affirmed.

By the Court,

Richard Cushing Donovan, Clerk

By: _____
Margaret Carter
Chief Deputy Clerk

(cc: Rosemary Gilroy, William A. Glahn, III, Esq.

MANDATE
UNITED STATES COURT of APPEALS
For the First Circuit

No. 04-2651

ROSEMARY GILROY,
Plaintiff, Appellant,

v.

DAVID LETTERMAN, ET AL.
Defendants, Appellees

Before

Boudin, Chief Judge,
Torruella and Lipez, Circuit Judges.

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Entered: February 25, 2005

Appellant's Motion to Be Allowed to Add Evidence is denied. Evidence can not be introduced for the first time on appeal. In any event, the proposed evidence has no apparent bearing on actions by appellees that might have been taken within the three year statute of limitations period.

The appellees' motions for summary disposition is granted. Due to the appellant's failure to state a claim under Fed. R. Civ. P. 12 (b) (6), as discussed in the district court's order dated October 27, 2004, the judgment is affirmed.

By the Court,

Richard Cushing Donovan, Clerk

Certified and issued as Mandate Under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

_____

Deputy Clerk
Date: 4/8/05
By: _____
Margaret Carter
Chief Deputy Clerk

UNITED STATES COURT of APPEALS
For the First Circuit

No. 04-2651

ROSEMARY GILROY,
Plaintiff, Appellant,

v.

DAVID LETTERMAN, ET AL.
Defendants, Appellees

Before

Boudin, Chief Judge,
Torruella and Lipez, Circuit Judges.

ORDER OF COURT

Entered : March 24, 2005

Appellant has submitted a Motion for Reconsideration which we consider to be a petition for panel rehearing. A review of all the filings of both parties in this appeal has revealed no basis for a rehearing which is, therefore, denied.

By the Court
Richard Cushing Donovan, Clerk

JULIE GREGG
By: _____
Operations Manager

(cc: Rosemary Gilroy, William A. Glahn, III, Esq.)

XI. Appendix

11. UNITED STATES CONSTITUTIONAL AMENDMENTS

United States Constitution

AMENDMENTS I-X: BILL of RIGHTS

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized

Article V. AMENDMENTS

AMENDMENT:Article. IV.

2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

XII. ADDENDUM

A. TELEVISED STATEMENTS of DEFENDANTS, CO-CONSPIRATORS: PARTIAL LIST FROM PLAINTIFF'S COMPLAINT

DAVID LETTERMAN: CBS talk show host: Statements made by David Letterman on television that referred to Plaintiff had always been out of context with other situations which had been occurring during the television programs. David Letterman's statements referred to Plaintiff as "Ma," "Stupid" and "Stupid Mamma," and in "Stupid Mamma Jokes," using the same derogatory references to Plaintiff as those that Mark Parento had stated on WBCN radio in referring to Plaintiff as"Our Girl Stupid" during 1999. The host of a CNN financial analysts programs had also stated on television "It's the formula, Stupid" during 2003. During February, 2003 Plaintiff had notified David Letterman and Craig Kilborne by mail to advise them to discontinue Invading Plaintiff's Privacy, Interfering in Plaintiff's life, in addition to all other illegal activities stated herein. Because of space limitations, Plaintiff has included only a small portion of the thousands of such statements in Plaintiff's possession and hundreds included in Plaintiff's "Complaint." Plaintiff re-typed quotations of statements from Plaintiff's Complaint which are some twenty pages in length of standard paper, too lengthy to include herein.

CARTER ALLEN: Carter Allen, Disc Jockey, had stated during 1998 to 1999 on the WBCN radio in reference to Plaintiff: "There is so much stuff going on that you would not believe me if I told you." Complaint at p. 348.

MARK PARENTO: Mark Parento, Disc Jockey, had made the following statements during 1999 in reference to Plaintiff

on WMJX and/or WBCN Radio, which demonstrates that Plaintiff had been under Surveillance: "It's a twenty year tragedy." "Our Girl Stupid." Mark Parento referred to himself as "Mark Gilroy."

GOLDEN GOOSE : A San Francisco television talk show host had referred to Plaintiff as the "Golden Goose," undoubtedly due to the Surveillance of Plaintiff and theft of valuable real estate business plans from Plaintiff's home and information about bargains of commercial real estate "For Sale."

The Host of a CNN financial analysts' programs had stated on television "It's the formula, Stupid" during 2003. This demonstrates that Surveillance was ongoing in 2003 and that the "Condition continued to exist" during 2003. See Arguments, Statute of Limitations, 3. Delayed Discovery Doctrine: The Condition continues to Exist."

DAVID LETTERMAN'S STATEMENTS MADE ON CBS TELEVISION:

"Ten Things you should know" was a repeated daily theme of the Charles Laquidara radio programs during all of the 1990's and early 2000, of statements which had been pointing to Plaintiff. At the same time "Ten Things you should know" had also been a repeated daily theme of the David Letterman Show programs during all of the 1990's and throughout 2000, 2001, 2002, and 2003, the statements being a monologue which made reference to Plaintiff just as had those of Charles Laquidara. Additionally, both would repeated make statements which included "you" as if instructing Plaintiff of information. For example, during 2003, David Letterman had stated during the David Letterman Show "You don't know it, but you are on CNN." Plaintiff states that Defendants made such references to Plaintiff as a form of blackmail because Defendants wanted Plaintiff to know Plaintiff was under

Surveillance. However, Plaintiff did not comprehend that Plaintiff was under Surveillance until seeing the Internet photo of Howard Stern with Douglas Stern (at Evidence). A few statements which referred to Plaintiff are as follows:

"How would you like to spend the Weekend watching 'Ma?", stated during January, 2001. David Letterman made numerous references to Plaintiff as "Ma," and had a web site entitled "Stupid Mamma" Jokes, which caused defamation to Plaintiff. The web site had been removed from the internet immediately after Plaintiff filed Plaintiff's lawsuit in April, 2004.

On February 10, 2003, when Plaintiff had begun to prepare Plaintiff's Complaint, David Letterman had stated "Our lawyers are tough lawyers," a threat against Plaintiff to discontinue Plaintiff's Complaint.

During 2003, David Letterman had stated "You don't know it, but you are on CNN."

On February 23, 2002 David Letterman made several Jokes about "Fireplaces" while the home of the Plaintiff contains 8 Fireplaces, an antique home.

On March 2, 2003, David Letterman had stated that "this 'Mafia guy'"... "came to his office" and was "shaking him down" as an indirect threat against Plaintiff.

During early March, David Letterman had repeatedly stated to his bandleader "Don't bother me," and occasionally added "I am running behind." During the same time in early March, 2004 Plaintiff had been very upset because the rehabilitation project that Plaintiff had been attempting to complete had been running far behind, and Plaintiff would repeatedly state out loud to herself in the "Privacy" of Plaintiff's home "Don't bother me," in pretense to have been speaking to the handymen.

During 2003, David Letterman had stated "All the friends that you think that you have are all in your head."

During 2002 David Letterman stated "The Kids are alright," referring to CBS Interns and students. David Letterman had

been approving of illegal activities which had been perpetrated against Plaintiff by Interns and Students, demonstrating the conspiracy of David Letterman and CBS Interns and students.

During the year 2002 David Letterman stated "She's very intelligent".

During the year 2001 David Letterman stated "She lives like a Hermit" out of context.

On February 23, 2002 David Letterman stated "They say that she is easily manipulated and will do anything you tell her to do." and "Why can't I find a woman like that."

On March 23, 2002 "all the friends that you think that you have are all in your mind," out of context.

On January 2, 2003 the David Letterman Show re-ran an earlier showing that had been aired during Thanksgiving week of 2002. Plaintiff had been on a cruise with family members during Thanksgiving week, 2002. David Letterman stated "lunatic, idiot, imbecile", and "How could you do anything so stupid?", totally out of context. The above statements "lunatic, idiot, imbecile" and "how could you do anything so stupid?" had referred to incidents that had occurred during the cruise.

During the summer of the year 2002 Plaintiff and an employee had been digging out weeds in the yard of Plaintiff's Home. That night David Letterman's band leader had mocked the Plaintiff unmercifully as he sang a song with excessively emotional lyrics and exaggerated gestures "I love you" and "I lo-ov-ov- ove You." The bandleader's actions had been repeated throughout the summer and fall of the year 2002 whenever Plaintiff had performed lawn labor, again having been repeated during 2004.

On February 23, 2002, Sunday, Plaintiff lower front tooth had fallen out for no apparent reason. On February 23, 2002 David Letterman performed a skit for a solid 10-15 minutes at the opening in imitation of a dentist and about "dentures", acted as if acted as if he were pulling out teeth of his

bandleader, Paul Schaefer, never having done so previously.
On March 2, 2001 Plaintiff had typed a letter to her son about Plaintiff's unusual, disturbing Dreams. On March 2, 2001 at 11:30 p.m. David Letterman repeatedly said the word "Dreams" on television, never having do so previously.
On December 2, 2001 Plaintiff's left eye had been tired due to Plaintiff having complete much typing that day, and that, due to the eye fatigue, Plaintiff eye developed a temporary nervous twitch in Plaintiff's left eye. That very evening a singer appeared on television, exaggeratedly imitating Plaintiff by repeatedly winking his left eye.
David Letterman and Craig Kilborne had made numerous statements to refer to "Interns" and "Students" on their television programs during 2002, 2003 and 2004, as had Charles Laquidara on the radio during 1994 throughout 1999.

CRAIG KILBORNE: STATEMENTS MADE ON CBS TELEVISION

On October 24, 2003 Plaintiff had again been typing Plaintiff's "Complaint." Craig Kilborne stated on October 24, 2003 at about 1:00 a.m. and towards the beginning of the nightly program on television Channel 4 "...(we) will call Grandma on the telephone and ask her to meet us at the parking lot for a "Settlement. ..." "... Instead,..." (we)"... will bring a (lead) Pipe..." Craig Kilborn then thrust his arms outward and about in slashing motions, such as if a person were attacking another person with a weapon in hand. Craig Kilborne then stated "I am in a really good mood." Any reasonable person would conclude that these statements made by Craig Kilborne constitute a threat against the life of the Plaintiff, when read in conjunction with other allegations of the Complaint.
On October 24, 2003 and on the same evening at 2:00 a.m., Craig Kilborne had made the televised statement "Get up off your asses. She is going to sue us for Twenty-Three Million ($23,000,000) Dollars." Plaintiff had typed "Twenty Three

Million Dollars" as the damages amount in Plaintiff's original typed "Complaint."
On May 9, 2002 at 2:00 a.m. Craig Kilborne had made the televised statement "Get up off your asses." On the afternoon of May 9, 2002 Plaintiff had met with a Senior Partner in a large law firm in Nashua, New Hampshire in order to request that he represent Plaintiff in a case against Charles Laquidara and Defendants named herein.
On May 2, 1999 CBS television, while Plaintiff resided in Massachusetts, Craig Kilborne had stated "Give it Away for Free" while Plaintiff had been typing for a book Plaintiff had intended to write.

CHARLES LAQUIDARA: STATEMENTS MADE on RADIO

Charles Laquidara had repeatedly made thousands upon thousands of statements on the air which pointed directly to the Plaintiff and which demonstrated that he had personal knowledge of all occurrences in Plaintiff's life. Plaintiff had sent a telegram to Charles Laquidara during 1987 and advised Charles Laquidara to discontinue interfering in Plaintiff's life or Plaintiff would sue him. (Included in Appendix / Addendum and "Evidence.") Charles Laquidara responded the next day to his receipt of the above telegram by making the statement on WBCN radio "Sue me? I'll sue you." He added the statement "What about all of the other (Radio) stations?"
Charles Laquidara had quoted Plaintiff's license plate RAG 999 on the WBCN radio during the 1990's. Plaintiff immediately changed her license plate. Plaintiff took a photograph of the license plate.
Charles Laquidara repeatedly referred to the November, 1996 issue of Art Forum on the radio in which had been published a derogatory, humiliating photograph of Plaintiff. Previously, he never made any references to any periodicals.

"They have been trying for 20 years to get you and they finally did. And I am so glad" Charles Laquidara had stated on radio during the late 1990's.

"The first thing you need to do is to get rid of the Intruder" he stated repeatedly during 1999 on WMJX radio.

"It's insidious" Charles Laquidara stated during 1999.

"It's a Conspiracy" during 1994 through 2001, repeatedly.

"Is the drip on?", "on" undeniably referring to Surveillance of Plaintiff in Plaintiff's home.

Charles Laquidara had repeatedly stated "It's Blackmail" during 1999, 2000 and 2001 on the WMJX radio.

"Join us or you will go down" on WMJX radio during 1999.

"You are going Down" during 1997 on WBCN radio.

"They are either going to Make You or Break You", in 1999, 2000 and 2001.

Charles Laquidara had stated "It's Discrimination" repeatedly on the Radio and in particular during 1999.

"Its an Italian thing" during 1999, 2000 and 2001. (Plaintiff is of Italian heritage.)

Plaintiff had stated out loud in what Plaintiff had the right to believe had been in the "privacy" of Plaintiff's Home "I need help all right - from both the FBI and the CIA." Charles Laquidara had immediately stated "If you do, you will pay dearly" in obvious reference to the Plaintiff on December 18, 1998 as disc jockey on the WMJX radio program.

"Wakefield" Charles Laquidara had stated repeatedly, while Plaintiff had been viewing commercial property located in Wakefield, Massachusetts "For Sale" on Plaintiff's computer, immediately after Plaintiff had moved to New Hampshire during 1999.

"She's going to die poor" Charles Laquidara stated on the radio during the first week in April, 2000 and immediately after Plaintiff had lost Plaintiff's Savings in the Stock Market Crash, the financial loss due to Defendants' and Co-Conspirators' Invasion of Plaintiff's Privacy and Harassment of Plaintiff via numerous telephone calls early every morning

from Co-Conspirators while Plaintiff attempted to trade stock on the Internet at home, interfering with Plaintiff's concentration.

Charles Laquidara had stated repeatedly during 1999, 2000, 2001 and 2002 on his WMJX program and upon Plaintiff typing quotes of occurences " Can't you take a Joke?" and "She can't take a Joke". This relates directly to statements made by David Letterman and Craig Kilborn in which both repeatedly stated "It's a Practical Joke" immediately after Plaintiff filed the Summons and Complaint.

Charles Laquidara had stated "It's an Inside Joke" repeatedly and on innumerable occasions during the late 1990's and 1999, 2000 and 2001 on WMJX radio program.

"Ten Things you should know" was a repeated daily theme of the Charles Laquidara radio programs during all of the 1990's and early 2000, quotations which had been pointing to Plaintiff.

"We're trying to help you take out the Garbage" during 1999 on the WMJX radio; "A garbage pail has two handles (names, ie)" during 1999 on WMJX Radio. (ie, thefts that occurred in Plaintiff's home)

"It's not your sister that you should kill..." during 1999 and 2001 upon Plaintiff visiting Plaintiff's out-of-state daughter.

"The most hated woman in Rock 'n Roll" during 1999, in obvious reference to the Plaintiff.

Charles Laquidara had stated "Don't do that if it makes you feel bad" during 1998 and 1999 on his WMJX radio program while Plaintiff had attempted to type onto computer discs the innumerable hundreds of quotations, and which Plaintiff had handwritten on Index Cards, in order to bring Lawsuit against Defendants. Immediately thereafter, all of Plaintiff's computer discs had been Stolen from Plaintiff's home.

Charles Laquidara had stated "Why are you doing that if it makes you feel bad?" after Plaintiff had been typing Plaintiff's "Book" daily for two weeks time. Immediately thereafter, the computer disc, which included some three hundred

typewritten pages, had been Stolen from Plaintiff's Home.
Charles Laquidara had stated in obvious reference to the Plaintiff during 1994 throughout 1999 on the WMJX radio program of which he was the disc jockey "I will Fire you if you wreck "her" painting materials". He also made statements which referred to "Interns" of the radio station." Complaint at 318.
Turpentine had been added to Plaintiff's quarts of water-based Acrylic paints by co-conspirators and to Plaintiff's large supply of about 20 Fine Arts Paint Brushes. The implication was that "every other illegal activity is allowed" by Charles Laquidara and co-Conspirators. Complaint at 319.
Charles Laquidara had made numerous statements which referred to "Interns" of the radio station and to "Students" during 1994 throughout 1999, as had David Letterman on the "Late Show" during 2002, 2003, and 2004.
"We offered to buy her house for $500,000, and to turn it into a Museum, but she refused" during 1996-1997 on his radio program. No said offer had ever been made to Plaintiff, but that Plaintiff certainly would have refused and been insulted.
Charles Laquidara had referred to Plaintiff as "The Snob Puppet", on September 29, 2000 on his WMJX radio program the day after Plaintiff had attended an Auction of Antique furniture in N.H.
Charles Laquidara had stated "Rob-a-Bank" during the late 1990's, 1999, 2000 and 2001 on the WMJX radio program of which he was the disc jockey.
Charles Laquidara had stated on various occasions that "you should contact the F.C.C."

XII. ADDENDUM

B. PHOTOGRAPHS and OTHER EVIDENCE

Plaintiff had stated in Plaintiff's "Appeal Brief" that "Plaintiff will file a Motion with the Court to request that Plaintiff be

allowed to insert Photographs and other items listed below into Appendix."

Addendum i. Photograph of Plaintiff, taken under Surveillance, 1986

Addendum ii: Photograph II of Plaintiff, taken under Surveillance, 1999

Addendum iii: Photograph of Howard Stern with Doug Stevens, owner of Handsome Brothers, discovered by Plaintiff on Internet in 2003

Addendum iv. Blue Man Group: Handbill, with sponsor: Stevens Ad Agency

Addendum v. Telegram sent to Charles Laquidara to discontinue harassing Plaintiff / Appellant

Addendum vi. Wine Bottles displayed on David Letterman's desk, 2003, with labels that came from photographic details of Plaintiff's Paintings after having been stolen from Plaintiff's home.

Addendum vii: Plaintiff's Emergency Room visit to Southern N.H. Medical Center, June 28, 2004, in which Medical Doctor found Plaintiff had years earlier suffered a Stroke, clearly visible in CT scan, damaging Cerebellum

Addendum viii: Letter from Gerald Indorf, M.D., Neurologist, Bedford, N.H. which states that Plaintiff had "demonstrated no Delusional tendencies when Plaintiff had been seen" by Dr. Indorf on three recent occasions during 2004.

ADDENDUM iii

Please note: Strobe lighting is used in the production.

STAFF FOR "TUBES"

Executive Producers
MATT GOLDMAN, PHIL STANTON, CHRIS WINK

Executive Manager
AKIE KIMURA

General Manager
HARVEY YELLIN

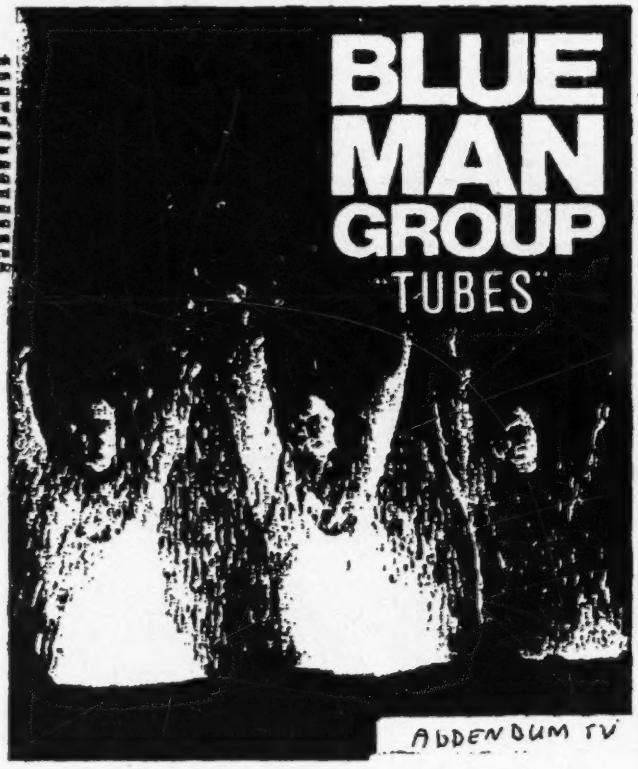
Press Representative
DAVID BALSOM & ASSOCIATES

Company Manager ..... Jamie Wilish
Production Stage Manager ..... Susan Earl Simson
Publicity and Marketing Director ..... Manuel Lyrejas
Advertising ..... Stevens Advertising
Charles W. Stevens,
Joseph Stevens, Alexander Stevens
Press Associates ..... Joanne Barrett, Michele Whitaker
Casting/Human Resources ..... Carole Wanzer
Management Consultant ..... Marie Di Dio
Technical Supervisor ..... Eliot Bartoni
Technical Director ..... Randy Tracy
Production Electrician ..... Colin Brown
Props Construction ..... Anne Sea
PVC Execution ..... Larry Hesterman

(Play's Titles in the Company cont. on p. 30)

PLAYBILL®

CHARLES PLAYHOUSE



ADDENDUM TV

047108000510 03/18/96
EM14959

BNSI - BNSA

ROSEMARY GILROY
152 WASHINGTON ST
NEWTON MA 02158-2250

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

6172447025 TDDA NEWTON MA 15 01-17 0911P EST
9607709990285286-1

WBCN RADIO, DLR DLY MON B4 10AM IF POSS
CHARLES AND ALL DJS
1265 BOYLSTON ST
BOSTON MA 02100

KEEP OUT OF MY LIFE PERMANENTLY. YOU ARE INVADING MY PRIVACY AND RUINING MY LIFE.

ROSEMARY GILROY

MGMCONP 13:16 EST

ADDENDUM IV

55.

SUPREME COURT, U.S.
FILED
SEP 20 2005
OFFICE OF THE CLERK

No. 05-143

In The

Supreme Court of the United States

ROSEMARY A. GILROY

Plaintiff

v.

DAVID LETTERMAN; CRAIG KILBORNE; & CBS BROADCAST, INC.

Respondent

Supplemental Brief
To Petition for Writ of Certiorari
To The
United States Court of Appeals For the First Circuit

SUPPLEMENTAL BRIEF
for
PETITION FOR WRIT OF CERTIORARI

September 17, 2005

Rosemary A. Gilroy
Plaintiff Pro Se
107 Ponemah Road
Unit #1
Amherst, N.H. 03031
603-672-8412

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II. TABLE OF AUTHORITIES

1. Furnco Constr. Corp. v. Waters, 438 U.S. 567, 577...7.

2. Conley v. Gibson, 355 U.S. 41, 47.....7.

3. Hishon v. King & Spalding, 467 U.S. 69, 73.....7.

III. PRAYER FOR RELIEF

The Petitioner, Rosemary Gilroy, prays that the Supreme Court of the United States will grant a Writ of Certiorari to reverse the judgments of the United States Court of Appeals for the First Circuit and of the United States District Court for the District of New Hampshire. The date of judgment of the appeals court was February 25, 2005. The date of judgment of the district court was October 27, 2004.

For all of the reasons which Plaintiff has stated in Plaintiff's "Supplemental Brief" and in Plaintiff's "Petition for a Writ of Certiorari," Plaintiff hereby appeals to the United States Supreme Court to reverse the erroneous decisions of the United States Court of Appeals for the First Circuit and of the United States District Court for the District of New Hampshire to "Dismiss" Plaintiff's Complaint.

IV. ARGUMENTS

The Defendants named herein destroyed Plaintiff's life and that of all future inheritors of Plaintiff's estate, including Plaintiff's children and grandchildren because of Defendants' involvement in a Conspiracy to Invade Plaintiff's Privacy, Defamation of Plaintiff's Character, and all Counts of Plaintiff's Writ / Complaint.

The Defendants' drove Plaintiff out of Plaintiff's home in 1999 due to their unrelenting Invasion of Plaintiff's Privacy during 24 hours each and every day. Plaintiff's estate had been worth well more than One Million ($1,000,000) Dollars in 1999. Plaintiff had been forced to sell Plaintiff's

home for only $560,000 in 1999, at far less than it's value at the time and for less than ½ of the future value. Plaintiff's home alone would be worth at least $2,000,000 in 2004 & 2005. The dollar amounts quoted herein do not even include all of Plaintiff's other Commercial properties which Plaintiff owned in 1999 and thereafter, and had been forced to sell.

In 2004 Plaintiff had been advised by a faculty member of Massachusetts College of Art, named Thomas Dempsey, that he had just learned that there had been an ongoing so-called "practical joke" against Plaintiff, having been ongoing during several years. Thomas Dempsey had been a former owner of Handsome Brothers Music Services with Douglas Stevens. Thomas Dempsey's photograph appears in Exhibit I, page 52 of Plaintiff's Petition for Writ of Certiorari, beside Plaintiff.

Plaintiff intends to subpoena Thomas Dempsey and several other Massachusetts College of Art faculty members to testify at trial on behalf of Plaintiff.

The witnesses will testify that numerous Students of Massachusetts College of Art in Boston, Massachusetts and Massachusetts College of Liberal Arts in North Adams, Massachusetts had been involved in a Conspiracy with the Defendants named herein, in addition to numerous radio disc jockeys, to victimize Plaintiff, to break into Plaintiff's home, to steal valuable documents from Plaintiff's home, to steal Plaintiff's financial Plans that would have caused Plaintiff to earn a net annual profit of as much as Nine Hundred Thousand ($900,000) Dollars per year and were as detailed as having been some 40 typewritten pages of mathematical formulas.

The financial reasoning behind such thefts from Plaintiff's home was that the Students were then employed as

Interns at CBS Broadcast, Inc., directly by Defendants named herein, by rock and roll radio stations and by Handsome Brothers Music Services in Somerville, Massachusetts, via owner Douglas Stevens and Stevens Advertising Agency.

Plaintiff had been mocked and ridiculed by numerous stand up comedians who appeared on Comedy Connection television. Additionally, copies of some of Plaintiff's paintings had been used as backdrops and stage scenery on the Comedy Central Connection television programs. Plaintiff had become so emotionally disturbed upon viewing such on television that Plaintiff immediately began to attempt to sell Plaintiff's home. Plaintiff had at the time added Comedy Central Connection to Plaintiff's to Plaintiff's monthly cable television package, never having seen or known of the programs before that time. Plaintiff believed that if Plaintiff continued to live in Plaintiff's Massachusetts home that Plaintiff would have been driven into a nervous breakdown.

Upon Plaintiff's having moved to New Hampshire, the same scenarios occurred in regard to Invasion of Plaintiff's Privacy, Harassment of Plaintiff and Defamation of Plaintiff's Character, in addition to all other Counts of Plaintiff's Writ / Complaint. Plaintiff received harassing telephone calls every morning while Plaintiff attempted to trade on the Stock Market in Plaintiff's home and at Plaintiff's computer. These phone calls may be able to be documented by Plaintiff's telephone bills. These interfering and harassing telephone calls were to lead Plaintiff to lose Plaintiff's entire cash on hand in the amount of $200,000 and Plaintiff's son's Stock Market Portfolio of more than $2,000,000 of his $3,000,000 invested, in addition to causing severe psychological damage to both Plaintiff and to Plaintiff's son.

Charles Laquidara had been involved during several

years while employed at Boston radio stations, statements he made in regard to Plaintiff having been included in Plaintiff's Writ / Complaint, also having made statements about "Interns" the radio stations employed. Douglas Stevens, former Massachusetts College of Art student, current owner of Handsome Brothers Music Services was linked to Charles Laquidara and other Rock & Roll disc jockeys, as well as to Howard Steven (see photographic Evidence at Exhibit II).

Students and MCA college have been repeatedly receiving Federal funds in the form of Grants while conducting illegal surveillance of Plaintiff, as if their illegal activity were not sufficiently evil. Plaintiff accuses the students and other participants in the conspiracy of having Charles Manson as their Role Model.

On the evening of August 24, 2005 through August 25, 2005 David Letterman threatened Plaintiff when he stated on his late night program "If you touch my property, I will cut you." He was obviously angry when the words had been spoken. All of his such televised statements had no relevance to anything else which occurred during the television programming.

When David Letterman had stated "the Kids are alright," the Defendant had been encouraging the students to perpetuate their illegal surveillance of Plaintiff and other illegal activities against Plaintiff. David Letterman financially benefited from these illegal activities against Plaintiff.

Upon Plaintiff's filing Plaintiff's Writ / Complaint, the evening programs of David Letterman drastically changed, all or nearly all references to Plaintiff and all comical Skits having been removed. Additionally, Craig Kilborne had been removed from the "Late, Late Show," formerly having immediately followed the David Letterman program.

Another recent statement of importance made by David Letterman is "You don't know it, but you are on CNN." (ie, CNN television or CNN computer source). Additionally, he had stated on television "All the friends you think you have are not your friends." Upon Plaintiff's moving to New Hampshire from Massachusetts David Letterman referred to New Hampshire as his "least favorite state."

Recently, the Supreme Court has ruled against Voyeurism more severely than in the past , and found this to be a violation of private citizens' constitutional rights.

A recent Supreme Court decision ruled against a police department in regard to Constitutional Amendment IV, and against certain forms of Search. The Supreme Court found that the Invasion of an individual's Privacy was more important than the location of the incident. The situation involved a Police Department's bugging of a telephone booth from which a suspect made telephone calls, thereby not allowing the evidence obtained during such telephone calls to not be used against that suspect at trial.

A criminal case now being brought into Court and expected to be won by the prosecution has no actual evidence to present in court, but does have great amounts of circumstantial evidence to present in court at trial.

Plaintiff states that the above three cases are indirectly related to Plaintiff's situation and to Plaintiff's case, that the attitudes reflected by the Courts should be seriously considered when the United States Supreme Court decides whether or not to dismiss Plaintiff's case.

This tells Plaintiff that the Supreme Court of the

United States demonstrates respects an individuals Privacy, while the attorney for the Defendants would have the Court believe that Plaintiff does not have a worthwhile cause of action. Plaintiff's rights as a United States Citizen have been severely violated by Defendants.

The precise requirements of the prima facie case were "never intended to be rigid, mechanized, or ritualistic." Furnco Constr. Corp. v. Waters, 438 U.S. 567, 577. It is not possible to define the precise formulation of the prima facie case before discovery has been conducted. Rule 8(a) express language requires simply that the complaint "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." Conley v. Gibson, 355 U.S. 41, 47. A court may dismiss a complaint only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations. Hishon v. King & Spalding, 467 U.S. 69, 73. Plaintiff's complaint easily satisfies Rule 8(a). Thus, Plaintiff's Complaint is sufficient to survive Respondent's motions to dismiss and filing of Waiver of Brief, as a claim that Plaintiff's filing is not meritorious. Therefore, the decisions of the U.S. District Court for the N.H. District and the U.S. Court of Appeals for the First Circuit were erroneous decisions.

The courts are obligated to relax the standards to which Plaintiffs who are represented by counsel are expected to perform in regard to the application of standards of Pro Se Plaintiffs.

Instead, Plaintiff has been substantially discriminated against by both Courts of law simply because Plaintiff has not been represented by Counsel.

Additionally, both the U.S. District Court and the U.S. Court of Appeals for the First Circuit, both courts

obviously found it easier to simply find Plaintiff to be "Delusional" rather than give Plaintiff's case and Plaintiff's Causes of Action the serious attention that they deserved.

Anyone who can read and who has read Plaintiff's Complaint, in additional to other documentation which Plaintiff has provided to the courts is able to easily discern that Plaintiff is certainly not delusional - not by any stretch of the imagination.

V. CONCLUSION

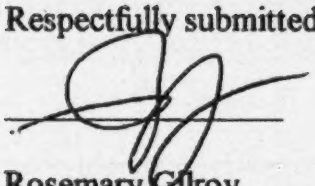
Plaintiff requests that the members of the United States Supreme Court read Plaintiff's Writ / Complaint which had been filed at the United States District Court for the District of New Hampshire, particularly Count I.

Because Defendants are held in such high regard by the communities they service, Defendants named herein should do absolutely nothing that would interfere with the rights of any citizen of the United States. Instead, Plaintiff's rights as a United States Citizen have been severely violated by Defendants. No citizen of the United States should have been treated with such evil intent as has Plaintiff been treated by Defendants and their co-conspirators.

Plaintiff intends to subpoena extensive witnesses to testify in Court at Trial. Plaintiff intends to provide extensive documentation in Court at Trial to support any and all allegations which Plaintiff has made against Defendants in Plaintiff's Writ / Complaint, in Plaintiff's Brief's, and in Plaintiff's various Motions to various Courts. Plaintiff has the right to have Plaintiff's case heard in a Court of Law.

September 17, 2005

Respectfully submitted,



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